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Ritz-Carlton Hotel Company, LLC,

14 SHC Half Moon Bay, LLC,

DTRS Half Moon Bay, LLC

15 and Marriott International, Inc.

16

UNITED STATES DISTRICT COURT

17

NORTHERN DISTRICT OF CALIFORNIA

18

19 RICHARD SKAFF,) Case No. C 10 01115 CRB

20 Plaintiffs,) Civil Rights

21 vs.)

22 RITZ -CARLTON HOTEL) RELATED CASE - PAULICK V. RITZ-

COMPANY, LLC; SHC HALF MOON BAY,) CARLTON, HALF MOON BAY, N.D. CA Case

LLC; DTRS HALF) No. C10-4107 CRB

23 MOON BAY, LLC; and DOES 1-25, Inclusive,) **STIPULATION REQUESTING**

24) **MODIFICATION OF GENERAL ORDER**

Defendants.) **56 AFFECTING RELATED SKAFF AND**

25) **PAULICK CASES AND ~~PROPOSED~~**

26) **ORDER**

27) **GENERAL ORDER 56**

GENERAL ORDER 56) Local Rules 6 -1 and 6 -2, 7-11

28)

1 Pursuant to Local Rules 6-1 and 6-2, plaintiff in the captioned case, Richard Skaff, and
 2 defendants Ritz -Carlton Hotel Company, LLC, SHC Half Moon Bay, LLC, DTRS Half Moon Bay,
 3 LLC and Marriott International, Inc., and plaintiff in the above-cited Related Case No. C10-4107
 4 CRB, titled *Paulick v. Ritz-Carlton Hotel Company, LLC, et al.* ("the Paulick Case"), by and through
 5 their counsel, enter into this stipulation, as their interests appear, to support their respective requests
 6 for an Order modifying General Order 56 as it applies to each Related Case. The purpose of this
 7 stipulated request is to allow the parties to both Related Cases to avoid the unnecessary and
 8 burdensome duplication of labor and expenses that would be involved in separate meet and confer
 9 proceedings and possible mediation proceedings, and to allow the parties in both Related Cases the
 10 most efficient opportunity to resolve both cases in unified proceedings, with consistent results.

11 On July 1, 2010, this Court granted the Skaff parties' joint stipulated request for an Order
 12 enlarging the time for completion of the General Order 56 joint site inspection and to hold the
 13 General Order 56 meet and confer session. (Docket No. 12, Skaff Case)

14 On August 27, 2010, this Court granted the Skaff parties' joint stipulated request for an order
 15 enlarging the time for them to complete their meet and confer process, to October 29, 2010 and
 16 enlarging the time for plaintiff to file any necessary Notice of Need For Mediation. (Docket No. 21,
 17 Skaff Case)

18 On September 13, 2010, Michael Paulick filed his complaint titled *Paulick v. Ritz-Carlton*
 19 *Hotel Company, LLC, et al.* in this Court, as Civil Action No. C10-4107 ("the Paulick Case").

20 On October 18, 2010, the Court granted the Unopposed Administrative Motion And Motion
 21 to Relate Cases And Request Reassignment filed by Michael Paulick, plaintiff in Related Case No.
 22 C10-4107 CRB. (Docket No. 22, Skaff Case; Docket No. 21, Paulick Case)

23 Plaintiff Paulick has requested an expedited inspection of the property which is at issue in
 24 both the Skaff and Paulick Related Cases, the Ritz-Carlton Hotel in Half Moon Bay, California.
 25 Defendants in the Paulick Case have agreed to that request, subject to their understanding that the
 26 parties in the Skaff and Paulick Cases would stipulate to request the relief described herein.

27 IT IS SO STIPULATED THAT:

28 Counsel for the parties in each Related Case, as their interests appear, stipulate to the request

1 for an Order stating the following proposed modifications to General Order 56, to allow fair and
2 even compliance with the principles governing General Order 56 as they apply to the Related Cases:

3 1. Plaintiff Paulick and counsel for defendants shall complete their joint inspection of
4 the subject premises on November 1, 2010, to be conducted pursuant to the provisions of Paragraph
5 3 of General Order 56;

6 2. Initial disclosures in the Paulick Case required by Federal Rule Of Civil Procedure
7 26(a) shall be completed no later than November 15, 2010. The initial disclosures shall be
8 completed pursuant to the rules stated in Paragraph 2 of General Order 56.

9 3. The parties to the Skaff and Paulick Cases shall complete the meet and confer
10 requirements stated in Paragraph 4 of General Order 56 by participating in one or more joint meet
11 and confer sessions, as necessary to discuss settlement of both of the Related Cases, to be completed
12 no later than November 30, 2010;

13 4. If the parties to the Skaff and Paulick Cases are not able to reach agreement on
14 injunctive relief, or cannot settle the damages and fee claims stated in the respective cases, each
15 plaintiff so affected shall file a "Notice Of Need For Mediation", pursuant to the provisions stated in
16 Paragraph 6 of General Order 56, no later than December 8, 2010. The parties stipulate that they
17 will participate jointly in the mediation proceedings described in Paragraph 6 of General Order 56;
18 and,

19 5. If mediation conducted pursuant to Paragraph 6 of General Order 56 is not successful
20 as to one or both plaintiffs in the Skaff and Paulick Cases, the plaintiffs, or the remaining plaintiff,
21 shall comply with the provisions stated in Paragraph 7 of General Order 56.

22 The parties further stipulate that this Stipulation may be signed in counterparts and that
23 signatures transmitted by facsimile or by e-mail shall be as valid and binding as original signatures.

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1 Dated: October 26 2010

2 SIDNEY J. COHEN PROFESSIONAL
3 CORPORATION

4 
5 By: /s/ Sidney J. Cohen
6 Sidney J. Cohen
7 Attorney For Plaintiff, RICHARD SKAFF

8 Dated: October 28, 2010

9 HINSHAW & CULBERTSON LLP

10 By:/s/ Anne D. O'Niell
11 Anne D. O'Niell

12 Dated: October 28 2010

13 DEUTSCH, KERRIGAN & STILES, LLP

14 By:/s/ Theodore L. White
15 Theodore L. White (*Pro Hac Vice*)

16 Attorneys For Defendants
17 Ritz -Carlton Hotel Company, LLC, SHC Half
18 Moon Bay, LLC, DTRS Half Moon Bay, LLC
19 and Marriott International, Inc.

20 Dated: October 28 2010

21 THIMESCH LAW OFFICES

22 By: /s/ Timothy S. Thimesch
23 Timothy S. Thimesch
24 Attorney for Related-Plaintiff Michael Paulick in
25 Related Case Paulick v. Ritz-Carlton, Half Moon Bay,
26 N.D. CA Case No. C10-4107 CRB

DECLARATION OF ANNE D. O'NIELL

I, Anne D. O'Niell, declare:

3 1. I am counsel for defendants Ritz-Carlton Hotel Company, LLC, SHC Half Moon
4 Bay, LLC, DTRS Half Moon Bay, LLC and Marriott International, Inc. in the case titled *Richard*
5 *Skaff v. Ritz-Carlton Hotel Company, LLC, et al.*, filed as Case No. C10-01115-CRB in the United
6 States District Court, Northern District of California (“the Skaff Case”), and I am counsel for
7 defendants The Ritz-Carlton Hotel Company, LLC, for itself and as erroneously sued as “Ritz-
8 Carlton Hotel Company, LLC” and as “Ritz-Carlton Half Moon Bay,” Marriott International, Inc.,
9 SHC Half Moon Bay, LLC, DTRS Half Moon Bay, LLC And Strategic Hotels And Resorts, Inc. in
10 the Related Case titled *Michael Paulick v. Ritz-Carlton, Half Moon Bay, et al.*, also filed in this court
11 as Case No. C10-4107 CRB (“the Paulick Case”). I am an attorney in good standing and licensed to
12 practice in the courts of the State of California, and in the federal courts of the State of California,
13 including the United States District Court for the Northern District of California. If called upon to
14 testify, I would testify as follows:

15 2. Pursuant to General Order 56 and this Court's Scheduling Order, the parties to the
16 Skaff Case were required to hold a joint site inspection by June 24, 2010 at the property and
17 premises of the Ritz- Carlton Hotel in Half Moon Bay, California. The parties sought and were
18 granted an Order enlarging the time for them to complete the joint site inspection to July 20, 2010
19 and enlarging the time for them to complete their meet and confer process to August 20, 2010. The
20 parties were able to complete the joint site inspection by July 20, 2010, but, despite their good faith
21 efforts, they were unable to complete the meet and confer process by the August 20, 2010 deadline
22 specified in the Court's Order of June 30, 2010.

23 3. The Ritz-Carlton Hotel has 261 guestrooms and numerous other facilities, as well as
24 extensive exterior areas, many of which include items listed on Richard Skaff's expert's list of
25 alleged access barriers. The Skaff Case parties' meeting and conference efforts have addressed all of
26 the several hundred items listed on plaintiff Skaff's expert's site inspection report, but the parties
27 have not yet reached agreement or final positions on these items.

28 4. The Skaff Case parties requested and were granted an enlargement of time, to

1 October 29, 2010, to complete their meet and confer process, in the hope of reaching mutual
2 agreement regarding the accessibility issues alleged by plaintiff Skaff, which would avoid or limit
3 the need for mediation. The parties to the Skaff Case had planned to complete their meet and confer
4 process on October 27, 2010.

5 5. The parties to the Skaff Case also jointly requested, and plaintiff Skaff was granted,
6 an enlargement of time until November 8, 2010 for plaintiff to file his Notice of Need For
7 Mediation, pursuant to Paragraph 6, General Order 56.

8 6. The Paulick Case was filed on September 13, 2010. On October 21, 2010, this Court
9 granted plaintiff Paulick's Unopposed Administrative Motion To Relate Cases And Request
10 Reassignment.

11 7. Plaintiff Paulick requested an expedited inspection of the premises of the Ritz-Carlton
12 Hotel at Half Moon Bay. Counsel for the defendants in the Paulick Case agreed that counsel for Mr.
13 Paulick and his experts could participate in a joint inspection of the premises on November 1, 2010,
14 with defendants' understanding that the parties to the Skaff Case and to the Paulick Related Case
15 would seek modifications to the timelines stated in General Order 56 as they apply to the two
16 Related Cases.

17 8. In the Skaff Case, the prior Stipulation to extend the time for Defendants to respond
18 to the Complaint (Docket No. 4, Skaff Case), the parties' Stipulation for an Order For Enlargement
19 Of Time To Complete The General Order 56 Joint Site Inspection And To Hold The General Order
20 56 "Meet And Confer" (Docket No. 11, Skaff Case) and the parties' Stipulation And Proposed Order
21 for Enlargement Of Time To Continue Meet And Confer And To File Notice of Need For Mediation
22 (Docket No. 18, Skaff Case) are the only previous requested modifications in the case by Stipulation
23 or Court Order other than the Court's Order granting plaintiff Paulick's Motion To Relate the Skaff
24 and Paulick cases.

25 9. In the Paulick Case, the parties' Stipulation to extend the time for defendants to
26 respond to the Complaint (Docket No. 6, Paulick Case) is the only previous requested modification
27 in the case by Stipulation or Court Order other than the Court's Order granting plaintiff Paulick's
28 Motion To Relate the Skaff and Paulick cases.

10. With the exception of extending the meet and confer and mediation notice deadlines, the extension does not effect court ordered deadlines in either Related Case.

11. The parties to the Skaff Case and the parties to the Paulick Case have stipulated to this Request for Modification Of General Order 56 Affecting Related Skaff And Paulick Cases because they wish to avoid the unnecessary and burdensome duplication of labor and expenses that would be involved in separate meet and confer proceedings and possible mediation proceedings, and to allow the parties the opportunity to resolve both cases in unified proceedings, with consistent results. These are the same reasons that the defendants in both Related Cases agreed not to oppose plaintiff Paulick's Motion To Relate Cases.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed this 28th day of October 2010 at San Francisco, California.

Anne O'Neill
Anne D. O'Neill

Anne D. O'Niell

ENTERPRISE ORDER

Having considered the parties' Stipulation Requesting Modification Of General Order 56
Affecting Related Skaff And Paulick Cases and the supporting Declaration, and for good cause
shown, the Court agrees to grant the requested modifications to General Order 56, as they apply to
the captioned case as set forth below:

20 1. The parties to the captioned Skaff Case shall complete the meet and confer
21 requirements stated in Paragraph 4 of General Order 56 by participating in one or more joint meet
22 and confer session with the parties to the Related Case Paulick v. Ritz-Carlton, Half Moon Bay, et
23 al., Case No. C10-4107 (“the Paulick Case”), no later than November 30, 2010;

24 2. If the parties to the captioned Skaff Case are not able to reach agreement on
25 injunctive relief, or cannot settle the damages and fee claims stated in their complaint, the plaintiff
26 shall file a "Notice Of Need For Mediation", pursuant to the provisions stated in Paragraph 6 of
27 General Order 56, no later than December 8, 2010. Plaintiff Skaff will participate jointly with
28 plaintiff in the Paulick Case in any mediation proceedings conducted pursuant to Paragraph 6 of

1 General Order 56;

2 3. If mediation conducted pursuant to Paragraph 6 of General Order 56 is not successful
3 plaintiff Skaff shall comply with the provisions stated in Paragraph 7 of General Order 56.

4 IT IS SO ORDERED

5 Dated: November 1, 2010

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Charles R. Breyer
United States District Court

